Passed

Home (1947) Department.

Ms SERIES.

G.O. NO 4336

Dated 26.11.47

P. 20/(2)

[Despatch Abstract.]

Jails- Bellary- Contracts- Loss in the supply of mutton during april to july in 1947-8- Payment of compensation - Sanctioned.

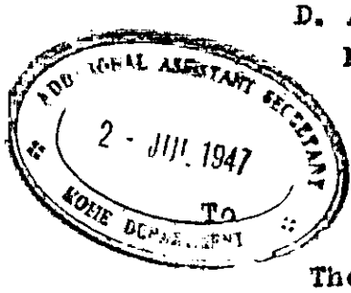
Registered Ackt. Due.

Bellary,
Dated, 1st July 1947.

C

From

D. Abdul Hameed,
Mutton Contractor for Jails and
Junior Certified School in Bellary,
Bellary.



43671 C

To

The Secretary to Government,
Home Department,
Fort St. George, Madras.

Through

The Inspector-General of Prisons,
Madras.

Sir,

I beg to submit the following facts for due consideration and pray for early justice.

2/ I am a Registered Contractor for the Jails in Bellary for the last more than ten years. I have supplied the Jails in the past meat, ghee, eggs etc and have been supplying this year Mutton only. I have been fulfilling my contract most honestly. In all these years I have not given room for any complaints from the Jail authorities.

3/ This year also, i.e., for 1947-48, I took the contract in Public Auction to supply meat to three Jails and Junior Certified School at Bellary at the rate of 2 lbs. per rupee. The Auction was held in January 1947. The then controlled rate of meat was Rs.1-2-0 per 2 lbs. As I am an old Contractor purchasing Sheep and Goats in bulk and in good number, I do have an advantage over other Retailers and hence could accept the Contract at 2 lbs. a rupee. I knew, however, that the margin of profit at the rate accepted by me would b e next to nothing. I did not mind this because as an old Contractor, I wanted to retain the contract as far as possible and practicable though I might not get any profit this year. I was however sure that there would be no loss.

A

B

In last February this year. Representatives of Mutton Merchants' Association, Bellary, approached the Collector and the Government to increase the rates of meat from Rs 1-2--0 to Rs.1-12-0 per 2 lbs. This they pressed on the ground that the price of Sheep and Goats was going up owing to the fact that import of animals from outside districts in the Province had been controlled and even stopped in some cases. The Nizam Dominions and Mysore State also just then banned the export of Sheep and Goats. The Collector of Bellary having considered the case carefully. fixed the controlled rate of meat at Rs.1-8-0 per 2 lbs. from March 1947. The natural consequence of this action of the Collector on the Government Contractors which was evidently overlooked has been that since then they are not able to procure their supplies in the Market unless they pay at the Controlled rate. It is submitted that the Contractors by any stretch of imagination could not have thought that the time of bidding at the Auction that the Government themselves by their subsequent act would create a situation which would completely disable the Contractors to fulfil the Contracts to Government. Thus the Government have placed me in an impossible position.

Under the foregoing circumstances. I have in these three months - April, May and June - suffered considerable loss. I submitted a petition dated 28-3-1947 to the Inspector-General of Prisons to raise the rate to Rs.1-8-0 per 2 lbs. in as much as the Collector of the District had raised the Controlled rate from Rs.1-2-0 to Rs.1-8-0. I sent a subsequent petition also last month to this effect and also prayed that my contract may be cancelled if my request could not be granted. There has however been no reply so far. The loss I have been

sustaining is really unbearable for a poor Contractor like myself. In fact it has to be admitted that if the Collector had not raised the Controlled rate of meat to Rs.1-8-0 per 2 lbs. I could have certainly continued to supply at the Contract rate. The situation became quite different as the Government themselves raised the rate. The Government may be pleased to consider my case, which I submit, is a special one in all its aspects and to increase the rate to Rs.1-8-0 per 2 lbs. This would only be doing bare justice, in the circumstances of the case explained above. As already stated the controlled rate at the time of Auction was only Rs.1-2-0 per 2 lbs.

I have not accepted payment for the last three months for the supplies made as the question of revising the rate as prayed for in my previous petition has not yet been settled by the Inspector-General of Prisons. I request that very early orders may be passed in my case. Mine is a unique case in as much as I have been directed by the orders of Government and I am approaching the Government for redress. If, however, the Government hold that the Contractors should bear the loss which has been due to the action of Government, I humbly request that my contract be terminated from 15th July 1947 and the earnest money be refunded in the special circumstances of the case. I have also to request that the loss incurred by me in these three months due to the difference in the controlled rates at the time of Auction and from April 1947 may also be refunded to me after necessary enquiry in the matter. If my request is not complied with, I am giving sufficient time to the Government i.e., up to 15th July 1947 to terminate my contract and to make other arrangements for the supply.

Soliciting your immediate orders.

I beg to remain,
Sir,
Your most obedient servant,

D.N.Hamee
1-7-47

Copy submitted direct to the Government to avoid delay.

Home Dept.

Memo No. 4-3671 C/47-1 dated 5.7.47

Jails – Contracts – Jails at Bellary – Supply of mutton during 1947-48 – Revision of rates or cancellation of contracts.

Ref: Advance copy of the petition dated 1-7-1947 from D. Abdul Hameed Sahib, Contractor, to the Govt.

The attention of the I.G. of Prisons is invited to the petition cited and he is requested to offer his remarks on it not later than 5-8-47.

4-7-47

4-7-1947

To
The I.G. of Prisons.
(R.D. 6-8-47)

Jail Department

ADDITIONAL ASSISTANT SECRETARY TO GOVERNMENT
10 JUL 1947
HOME DEPARTMENT

2/45475c

1917

From

Lt.Col.G.S.Gill, C.I.E.,O.B.E.,
M.B.CH.B.,I.M.S.,
Inspector-General of Prisons,

M A D R A S.

To The Secretary to Government,
Home Department,

M A D R A S.

No.Roc. 46/A-4/47 dated 8th July 1947.

Sir,

Sub:- Jails and Schools - Bellary - Contract - Mutton 1947-48 - petition

I forward herewith a petition addressed to Government by the mutton contractor D.Abdul Hameed. When his request to revise the rate was not complied with, he did not make regularity supplies to the Central Jail,Bellary. He did not also pay the security deposit and execute Agreement bond.

2/. At the request of the Superintendent, Central Jail,Bellary the contract for mutton was cancelled according to the instructions issued in G.O.No.2332 Home dated 13-6-1947. As the other two institutions viz., Wellesley Sanatorium Jail,Bellary and Alipuram Jail,Bellary have not complained against him, his contract in those two jails is not terminated.

(e)

ADDITIONAL ASSISTANT SECRETARY
10 JUL 1947
HOME DEPARTMENT

LT.COL.-I.M.S.,
INSPECTOR-GENERAL OF PRISONS.

k/p/8-7

Enc. petition.

Registered Ackt. Due.

Bellary,
Dated, 1st July 1947.

From

D. Abdul Hameed,
Mutton Contractor for Jails and
Junior Certified School in Bellary,
Bellary.

To

The Secretary to Government,
Home Department,
Fort St. George, Madras.

Through

The Inspector-General of Prisons,
Madras,

Sir,

I beg to submit the following facts for due consideration and pray for early justice.

a/ I am a Registered Contractor for the Jails in Bellary for the last more than ten years. I have supplied the Jails in the past meat, ghee, eggs etc and have been supplying this year Mutton only. I have been fulfilling my contract most honestly. In all these years I have not given room for any complaints from the Jail authorities.

b/ This year also, i.e., for 1947-48, I took the contract in Public Auction to supply meat to three Jails and Junior Certified School at Bellary at the rate of 2 lbs. per rupee. The Auction was held in January 1947. The then controlled rate of meat was Rs.1-2-0 per 2 lbs. As I am an old Contractor purchasing Sheep and Goats in bulk and in good number, I do have an advantage over other Retailers and hence could accept the Contract at 2 lbs. a rupee. I knew, however, that the margin of profit at the rate accepted by me would be next to nothing. I did not mind this because as an old Contractor, I wanted to retain the contract as far as possible and practicable though I might not get any profit this year. I was however sure that there would be no loss.

4/ In last February this year, Representatives of Mutton Merchants' Association, Bellary, approached the Collector and the Government to increase the rates of meat from Rs. 1-2--0 to Rs.1-12-0 per 2 lbs. This they pressed on the ground that the price of Sheep and Goats was going up owing to the fact that import of animals from outside districts in the Province had been controlled, and even stopped in some cases. The Nizam Dominions and Mysore State also just then banned the export of Sheep and Goats. The Collector of Bellary having considered the case carefully, fixed the controlled rate of meat at Rs.1-8-0 per 2 lbs. from March 1947. The natural consequence of this action of the Collector on the Government Contractors which was evidently overlooked, has been that since then they are not able to procure their supplies in the Market unless they pay at the Controlled rate. It is submitted that the Contractors by any stretch of imagination could not have thought at the time of bidding at the Auction that the Government themselves by their subsequent act would create a situation which would completely disable the Contractors to fulfil the Contracts to Government. Thus the Government have placed me in an impossible position.

5/ Under the foregoing circumstances, I have in these three months - April, May and June - suffered considerable loss. I submitted a petition dated 28-3-1947 to the Inspector-General of Prisons to raise the rate to Rs.1-8-0 per 2 lbs. in as much as the Collector of the District had raised the Controlled rate from Rs.1-2-0 to Rs.1-8-0. I sent a subesequent petition also last month to this effect and also prayed that my contract may be cancelled if my request could not be granted. There has however been no reply so far. The loss I have been

sustaining is really unbearable for a poor Contractor like myself. In fact it has to be admitted that if the Collector had not raised the Controlled rate of meat to Rs.1-8-0 per 2 lbs. I could have certainly continu-ed to supply at the Contract rate. The situation became quite different as the Government themselves raised the rate. The Government may be pleased to consider my case, which I submit, is a special one in all its aspects and to increase the rate to Rs.1-8-0 per 2 lbs. This would only be doing bare justice, in the circumstances of the case explained above. As already stated the controlled rate at the time of Auction was only Rs.1-2-0 per 2 lbs.

b/ I have not accepted payment for the last three months for the supplies made as the question of refixing the rate as prayed for in my previous petition has not yet been settled by the Inspector-General of Prisons. I request that very early orders may be passed in my case. Mine is a unique case in as much as I have been affected by the orders of Government and I am approaching the Government for redress. If, however, the Government hold that the Contractors should bear the loss which has been due to the action of Government, I humbly request that my contract be terminated from 15th July 1947 and the earnest money be refunded in the special circum-stances of the case. I have also to request that the loss incurred by me in these three months due to the difference in the controlled rates at the time of Auction and from April 1947 may also be refunded to me after necessary enquiry in the matter. If my request is not complied with, I am giving sufficient time to the Government i.e., up to 15th July 1947 to terminate my contract and to make other arrangements for the supply.

Soliciting your immediate orders.

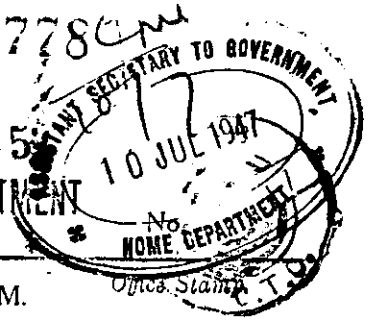
I beg to remain,
Sir,
Your most obedient servant,

py submitted direct to the
Government to avoid delay.

D A Hamee
1-7-47

B Class Prefix Cable] Code

INDIAN POSTS AND TELEGRAPHS DEPARTMENT



Recd. at — H. 15 — M | Sent at — H — M.

From — To —

By 32 | By —

Office of Origin	Date.	Service Instructions.	Words.
D. Comm	10	CMA 145	157

TO

Secy govt Home Department Post Telegraphs Madras

Petition first July received a condition duplicate dated 1st July addressed to Inspector General Prisons copy Secretary Govt Home Dept Madras 1 D as forwarded

Pp 1-3 above

Pp 9-11 above

Pp 1-3 above

N. B.—The name of the Sender, if telegraphed, should be written after, but separated from the text.

Eden Press, Cal.—No. 40 (5165/B-14)—5-7-46—10 000 Bks.

1

15

Home Dept.

Memo No. 43671 C/47- dated 17.7.47

Jails – Contracts – Jails at Bellary – Supply of mutton during 1947-48 – Revision of rates or cancellation of contracts.

Ref: From the I. G. of Prisons, No. R.O.C. 46/A-24/47 dated 8-7-47.

The I. G. of Prisons is requested to furnish, not later than 15-8-47, the following particulars in respect of the supply of mutton by the contractor D. Abdul Hameed Sahib to the jail at Bellary during ~~1946-47~~ 1947-48

(i) the ~~market~~ contract rate ~~at the time of the contract~~;

(ii) the market rate or the controlled rate, if any, at the time of auction; and

(iii) the market rate or the controlled rate, if any, at the time of supply.

To the I. G. of Prisons (R. D. 16-8-47)

From:- D.A.Hammeed
Mutton Contractor Cowl Bazaar,
BELLARY.

To

The Secretary
of Government (Home Department)
Fort St. George.

Through

The Inspector General of Prisons
MADRAS.

Sir,

With reference to my detailed and subsequent telegram representation to Government dated 1-7-1947 sent through your honour I beg to submit that though I had prayed for orders before the 15th. of this month. I have not yet received any orders. I do not like to put the Government to any difficulty or inconvenience and therefore I have been continuing the supplies with fervent hope that justice would be done to me at a very early date.

2/ The daily loss I have been sustaining is really unbearable and I have been struggling against odds all these days.

I request that orders may kindly be passed on my representation dated 1-7-'47 without avoidable delay before the 1st. of August at the latest I have been placed me in this undergoing loss for no fault of mine. The Government have placed me in this position. My case is therefore different from other contractors.

Praying early orders.

I beg to remain
Sir,
Your Most Obedient Servent.
D A Hammeed

Bellary
D/18-7-47

Copy to:-
1. Superintendent of Central jail Bellary.
2. Allipuram Jail Bellary.
3. " Wellesli Sanatorium Jail Bellary.
4. Head Master Junior Certified School Bellary.

[C.2- 43671/47]

Home Dept.

submitted for perusal. The particulars called for on memo on p 15 above may be awaited till 16-8-47.

22-7-47

22-7-1947

Jail Department

49344 C
26-7-47. C1

From

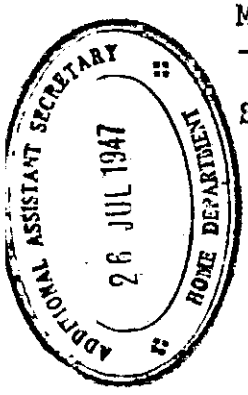
Lt.Col.G.S.Gill, C.I.E.,O.B.E.,
M.B.CH.B.,I.M.S.,
Inspector-General of Prisons,

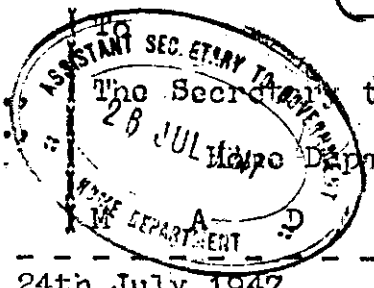
To

The Secretary to Government
Home Department,

M A D R A S.

M A D R A S.





No.Roc.46/A-4/47 dated 24th July 1947.

Sir,

Sub:- Jails - Bellary - Mutton and Liver - Contract 1947-48 - Cancellation of

Ref:- Government Memorandum No.43671-C/47-1 Home dated 5-7-1947 and this office Roc.No.46/A-4/47 dated 8-7-1947.

- - -

The Superintendent, Alipuram Jail, Bellary reports that the contractor gave notice that he would not stop supplies from 15-7-1947. The contractor also refused to take payment at the contract rate. He did not furnish the security deposit nor has he executed the agreement bond so far. As the contract rates could not be revised as requested by the contractor, the Superintendents, Alipuram Jail, and Wellesley Sanatorium Jail, Bellary have recommended the cancellation of contract for mutton and liver. Hence orders have been passed as per G.O.No.2332, Home, dated 13-6-1947 cancelling the contract.

p.t.o.

F 211

2/ The contractor has addressed the petition to Government for the revision of rates and I forward it for orders.

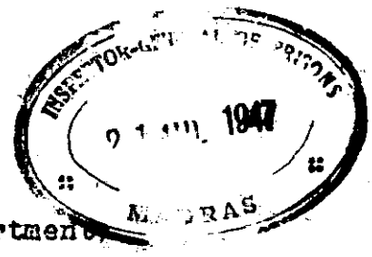
F 15 Adm 1

3/ In this connection, I have to state that the information asked for in Government Memorandum No.43671 C/47-F Home dated 17-7-1947 has been called for from the jail and will be furnished on its receipt.

LT.COL.-I.M.S.,
INSPECTOR-GENERAL OF PRISONS.

k/p/24-7

From:- Hammedd B.A
Mutton Contractor Cowl Bazaar
B E L L A R Y.
-- ----------



To
The Secretary
of Government (Home Department)
Fort St. George.

Through
The Inspector General of Prisons
Madras.

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Praying early orders.

I beg to remain
Sir.
Your Most Obedient Servant.
B Hamedd

Bellary
D/15-7-47

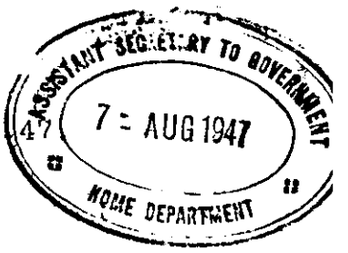
Copy to:-
1. Superintendent of Central Jail
Bellary.
2. " of Allipuram Jail Bellary.
3. " elleali Sanatorium Jail Bellary
4. Head Master Junior Certified School Bellary.

3571

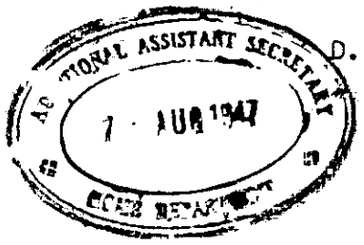
23/C

Bellary,

6th August 1947



From



D. Abdul Hameed,

Mutton Contractor for Jails in Bellary,

Jowl Bazaar, Bellary.

Cr 1 Gr 2

52392

7.8.47

To

The Secretary to Government,

Home Department,

Fort St. George, Madras.

Sir,

In continuation of my petition dated 1-7-1947 to Government through the proper channel and my subsequent telegram and representation requesting early orders on the said petition, I beg to submit the following :-

1-9-11 above

1-13 above

F 1

Gr 1

*/ I beg to state that only the other day, I learnt from the Collector's Office informally that the Controlled price of Mutton which was Rs.1-8-0 per 2 lbs. as fixed by the Collector in the latter part of March 1947 was de-controlled after some days. This was really news to me. Even till today, the public only knows that the Controlled price is Rs.1-8-0 per 2 lbs. and nothing is known to the public or to those in profession that the Price control has been removed. I took the contract to supply at 2 lbs. per Rupee when the Controlled rate was fixed as Rs.1-2-0 per 2 lbs. and when there was no ban on importing Sheep and goats from Mysore and the Nizam's Dominions. The ban came after my taking the contract. If it is a fact that the price control has been removed specially when there is ban on the import of Goats and Sheep from the adjoining States which supplied these animals to Bellary to a very great extent, the position would

certainly be worse than what it was. In fact it would be encouraging the price to go up. It is not easy even now when it is believed generally by all that the controlled price is/only Rs.1-8-0 for 2 lbs. to get meat at the controlled price. Very often people have to pay more. It is rare that Mutton is got at the controlled price. This was however believed to be black-marketing. If the controlled price had remained at Rs.1-2-0 per 2 lbs. as was in force when I took the contract, I could have fulfilled my contract at Re.1/- per 2 lbs. as already stated in my petition I am a Wholesaler and did not mind even if there was no profit for one year. Rising the controlled rate to Rs.1-8-0 made my position very bad and removing the control on price, if it is a fact, made it worse.

3/ I pray that all these facts may kindly be considered by Government in all their aspects while passing orders on my petition.

4/ I may also add that all along even to this day, I have been regular in my supplies as I do not like to put the Government to any inconvenience before the final orders are passed.

I beg to remain,

Sir,

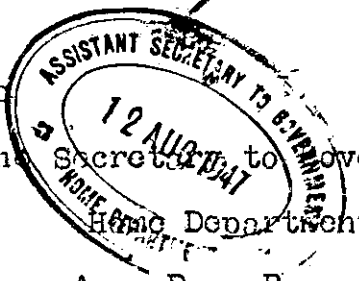
Your most obedient servant,

D A Hameed

Mutton Contractor for Jails
in Bellary

JAIL DEPARTMENT

25



G 21
55132
13.8.47

FROM

Lt.Col.G.S.Gill, C.I.E.,O.B.E.,
M.B.CH.B.,I.M.S.,
Inspector-General of Prisons,

M A D R A S.

To

The Secretary to Government,
Home Department,

M A D R A S.

No.R.O.C. 46/A-4/47 dated 8th August 1947.

Sir,

Sub:- Jails - Central Jail,Bellary - Contract 1947-48 - mutton without bones - revision of rates or cancellation of contract

Ref:- This office No.R.O.C. 46/A-4/47 dated 8-7-1947 and 24-7-1947 and Government Memorandum No. 43671-C/47-1 Home dated 17-7-1947

p7 ante
pp19-20 ante
p15 ante

The information called for in the Government Memorandum cited above is as shown below:-

1. Market rate and the controlled rate for mutton without bones at the time of auction i.e., in January 1947 was Rs. 0-9-0 per pound

2. The market rate i.e., the controlled rate viz., Rs. 0-9-0 per pound for mutton without bones was in vogue from January 1947 to 14-3-1947 and was raised to Rs. 0-12-0 per pound from 15-3-1947.

p.t.o.

2-6

(3) The market rate of mutton without bones at the time of supply i.e., in April, May, June 1947 was Rs. 0-12-0 per pound.

(4) The contract rate for mutton without bones for 1947-48 is Rs. 0-8-0 per pound.

LT.COL., I.M.S.,
INSPECTOR-GENERAL OF PRISONS.

k/p/9-7

JAIL DEPARTMENT.

From
Lt.Col.-G.S.Gill,C.I.E.,O.B.E.,
M.B.,CH.B. I.M.S.,
Inspector-General of Prisons,

M A D R A S.

To
The Secretary to Government,
Home Department,

M A D R A S.

ASSISTANT SECRETARY TO GOVERNMENT
14 AUG 1947
HOME DEPARTMENT

No.R.O.C.46/A4/47. Dated 12th August 1947.

Sir,

Sub: Jails - Central Jail, Bellary - Contract 47-48 - mutton without bones - revision of rates - or cancellation of contract.

Ref: This office R.O.C.46/A4/47, dated 8-7-1947, 24-7-1947 and 8-8-47 and Government Memorandum 43671-C/47-1, Home, dated 17-7-1947.

In continuation of my last reference cited above, the Superintendent, Central Jail, Bellary reports that the price of mutton was decontrolled from 1-4-47 and yet the market rate of it in April, May and June 1947 was Rs.0-12-0 per pound. Also I forward another petition addressed to Government by the same contractor for their orders.

LT.COL.-I.M.S.
INSPECTOR GENERAL OF PRISONS.

Enc: One petition.

ks.13/8.

Bellary,
6th August 1947.

From D. Abdul Hameed,
Mutton Contractor for Jails in Bellary,
Cowl Bazaar, Bellary.

To The Secretary to Government,
Home Department,
Fort St. George, Madras.

Through the Inspector-General of Prisons, Madras.

Sir, In continuation of my petition dated 1-7-1947 to Government through the proper channel and my subsequent telegram and representation requesting early orders on the said petition, I beg to submit the following :-

I beg to state that only the other day, I learnt from the Collector's Office informally that the Controlled price of Mutton which was Rs.1-8-0 per 2 lbs. as fixed by the Collector in the latter part of March 1947 was de-controlled after some days. This was really news to me. Even till today, the public only knows that the Controlled price is Rs.1-8-0 per 2 lbs. and nothing is known to the public or to those in profession that the Price control has been removed. I took the contract to supply at 2 lbs. per Rupee when the Controlled rate was fixed as Rs.1-2-0 per 2 lbs. and when there was no ban on importing Sheep and goats from Mysore and the Nizam's Dominions. The ban came after my taking the contract. If it is a fact that the price control has been removed specially when there is ban on the import of Goats and Sheep from the adjoining States which supplied these animals to Bellary to a very great extent, the position would

Bellary,

6th August 1947.

From

D. Abdul Hameed,

Mutton Contractor for Jails in Bellary,

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The Secretary to Government,

Home Department,

Fort St. George, Madras.

Through the Inspector-General of Prisons, Madras.

Sir,

In continuation of my petition dated 1-7-1947 to Government through the proper channel and my subsequent telegram and representation requesting early orders on the said petition, I beg to submit the following :-

I beg to state that only the other day, I learnt from the Collector's Office informally that the Controlled price of Mutton which was Rs.1-8-0 per 2 lbs. as fixed by the Collector in the latter part of March 1947 was de-controlled after some days. This was really news to me. Even till today, the public only knows that the Controlled price is Rs.1-8-0 per 2 lbs. and nothing is known to the public or to those in profession that the Price control has been removed. I took the contract to supply at 2 lbs. per Rupee when the Controlled rate was fixed as Rs.1-2-0 per 2 lbs. and when there was no ban on importing Sheep and goats from Mysore and the Nizam's Dominions. The ban came after my taking the contract. If it is a fact that the price control has been removed specially when there is ban on the import of Goats and Sheep from the adjoining States which supplied these animals to Bellary to a very great extent, the position would

30

certainly be worse than what it was. In fact it would be encouraging the price to go up. It is not easy even now when it is believed generally by all that the Controlled price is/only Rs.1-8-0 for 2 lbs. to get meat at the controlled price. Very often people have to pay more. It is rare that Mutton is got at the controlled price. This was however believed to be black-marketing. If the controlled price had remained at Rs.1-2-0 per 2 lbs. as was in force when I took the contract, I could have fulfilled my contract at Re.1/- per 2 lbs. as already stated in my petition I am a Wholesaler and did not mind even if there was no profit for one year. Rising the controlled rate to Rs.1-8-0 made my position very bad and removing the control on price, if it is a fact, made it worse.

I pray that all these facts may kindly be considered by Government in all their aspects while passing orders on my petition.

I may also add that all along even to this day, I have been regular in my supplies as I do not like to put the Government to any inconvenience before the are passed.

beg to remain,

Sir,

Your most obedient servant,

D A Hameed

Mutton Contractor for Jails
in Bellary.

[C2-43671]

Home Dept 31

41/57 Previous

Memo No. 43671 C/47-3 dated 4.9.47

Jails - Contracts - 1947-8 - Jails at Bellary - Supply of mutton - Revision of rates or cancellation of contracts.

Refee: Correspondence ending with the letter from the I.G of Prisons, No. R.O.C. 46-B4-47 dated 12.8.47

The I.G of Prisons is requested to report not later than 5.10.47, what the extra cost to Govt will be if the contractor, D. ABDUL HAMEED is paid at Re1-4-0 per 2 lbs instead of at the contract rate of Re1/- per 2 lbs of mutton supplied by him to the jails at Bellary during the period from 15.3.47 upto the end of July 1947.

P27 CF

D. / to Secretary's order 43 on file : F

To The I.G of Prisons

(RD. 6.10.47)

4.9.47

4.9.1947

4.9.47

JAIL DEPARTMENT.

C2

From
Lt.Col.-G.S.Gill,C.I.E.,O.B.E.,
M.B., CH.B.,
Inspector-General of Prisons,
M A D R A S.

To
The Secretary to Government,
Home Department,
M A D R A S.

ASSISTANT SECRETARY TO GOVERNMENT
25 SEP 1947
HOME DEPARTMENT

No.R.O.C.46/A4/47. Dated 22nd September 1947.

ADDITIONAL ASSISTANT SECRETARY
25 SEP 1947
HOME DEPARTMENT

66211 C

Sub: Jails and School - Bellary - Contract 47-48 - revision of rates or cancellation of contract.

Ref: Government Memorandum No.43671-C/47-3, dated 4-9-47.

I have to report that the following amounts will be extra cost to Government, if the contractor D.Abdul Hameed is paid Rs.1-4-0 per 2 lbs. instead of at the contract rate of Re.1/- per 2 lbs. of mutton supplied by him to the three jails and school at Bellary during the period from 1-4-47 to 31-7-47.

Central Jail, Bellary.	...	Rs.	23	7 2
Alipuram Jail, Bellary.	...	Rs.	158	11 0
Wellesley Sanatorium Jail, Bellary.	...	Rs.	177	1 9
Junior Certified School, Bellary.	...	Rs.	632	5 7
		Rs.	991	9 6

(Rupees nine hundred and ninety one and annas nine and pies six only).

LT.COL.
INSPECTOR-GENERAL OF PRISONS.

ks.23/9.

[C2-4671]

Home Dept
35

39
27/11

Pass

G.O. Ms 4336 Dt 26/11/47.

Jails - Contracts - Jails at Bellary - Loss on mutton supply from April to July in 1947-8 - Payment of compensation - Sanctioned.

Read: From the I.G. of Prisons, Petitions dated 1-7-47, 18-7-47, 6-8-47 from D. Abdul Hameed Saheb. From the I.G. of Prisons, No. R.O.C. 46-A4-47 dated 8-7-47, 24-7-47, 8-8-47, 12-8-47 and 22-9-47.

Order

H.E. the Governor of Madras sanctions the payment to D. Abdul Hameed Saheb, Contractor at Bellary, of a sum of Rs. 359-4-0 (Rupees Three hundred and fifty nine, annas four only) as compensation for the loss sustained by him in the supply of mutton to the Jails at Bellary during the three months April - July 1947.

2/ Orders on the question of payment for compensation for loss in respect of the supply of mutton to the J.C.S. at Bellary will be issued separately.

3/ The expenditure should be debited

Hp 1-3, 17, and 23-24 CF

Hp 7, 19-20, 25-26, 27 and 33 CF

To
D. Abdul Hameed,
Mutton Contractor for Jails,
Cowl Bazaar, Bellary
The I.G. of Prisons

to the relevant sub head of appropriation under, "28-A-Jails and Convict Settlements"

To

The I. G. of Prisons

The A. G. Hyd. Fin. Dept.

BJ 19.11.47

RS 19.11.47.

19.11.47

LCA - 43671/47-I

Home Dept.

Jails – Contracts – Jails at Bellary – Supply of mutton during 1947-48 – Revision of rates or cancellation of contracts.

Petition from D. Abdul Hameed Sahib, dated 1-7-1947.

Issued as Memo No. 43671 C/47-1 dated 5-7-47 to the I.G. of Pris

From the I. G. of Prisons, No. R.O.C. 46/A-4/47 dated 8-7-4

Telegram from D.A. Hameed, dated 10-7-47.

The contractor D. Abdul Hameed Sahib undertook the contract for the supply of meat to the jails at Bellary and Junior Certified School at Bellary during 1947-48. The I.G. of Prisons says that when the request of the petitioner to revise the contract rate was not complied with, he did not make regular supplies to the Central jail, Bellary and that at the request of the Superintendent, Central jail, Bellary, the contract for mutton was cancelled as per instructions issued in G.O. No. 2332, Home, dated 13-6-47. He also adds that as the other two institutions, namely, Wellesley Sanatorium jail, Bellary and Alipuram jail, Bellary have not complained against the contractor, the contract in those two jails is not terminated. The contention of the contractor is that if the controlled rate of meat was not raised from Rs. 1-2-0 to Rs. 1-8-0 per 2 lbs by the Collector, he would have continued to supply at the contract rate. The I.G. has not furnished the contract rate, (according to the petitioner, the contract rate is 2 lbs per rupee) the market rate of the controlled rate if any, at the time of auction and the market rate of the controlled rate if any, at the time of supply. He may be asked to furnish the particulars. A draft memo is submitted for approval.

15.7.47 16.7.1947 16/7/47

Through N. 15

Issued Memo No. 43671 C/47-2 dated 17.7.47

Petition from D. Abdul Hameed Sahib, dated 18.7.47

From the I.G. of Prisons, No. R.O.C. 46-A4-47 dated 24.7.47

Petition from D. Abdul Hameed Sahib, dated 6.8.47

From the I.G. of Prisons, No. R.O.C. 46-A4-47 dt 8.8.47

From the I.G. of Prisons, No. R.O.C. 46-A4-47 dt 12.8.47

[C2-43671]

D. Abdul Hameed, contractor, undertook to supply meat during (19)47-48, to the three jails, viz., Central Jail, Bellary, Alipuram Jail, Bellary and Wellesley Sanatorium Jail at Bellary and to the Junior Certified School at the place at 2 lbs. per rupee, when the controlled rate of meat was Re.1-2-0 per 2 lbs. ~~during 1947-48~~. In his petition attpp. 1-3 c.f. he says that in March 1947, the Collr. of Bellary fixed the controlled price of meat at Rs.1-8-0 per 2 lbs. and that therefore he has incurred heavy loss. He requests that the contract rate may be raised to Re.1-8-0 per 2 lbs. and that, if the rate is not so raised, his contract may be cancelled and the earnest money refunded to him and also that the loss incurred by him during the three months, ~~he supplied~~ may be paid to him. In a futher petition at p. 23 c.f. he says that he has since learned that the controlled rate, which was fixed in the latter part of March 1947 was de-controlled after some days and that he did not know it earlier. He says also that, although the ~~Collector~~ ~~cancelled his order fixing the controlled price of meat~~ ~~fixed for mutton was cancelled~~, there was difficulty in getting mutton and ~~that~~ therefore ~~his~~ requests that his petition may be considered favourably. The I.G. of Prisons has offered his remarks in respect of the three jails only and has not mentioned anything about the supply to the Junior Certified School, Bellary, apparently because, the Certified Schools is now under the charge of a separate C.I. of C.S. The question relating to the Junior Certified School may be taken up seaparately in consultation with the C.I. of C.S.

A copy of the petn. supp. 1-3 c.f. will be referred to the C.I. for remarks, separately.

'Z' on p. 1 c.f. ibid
'A' on p. 1 c.f. ibid
'B' on p. 2 c.f. ibid
'L' on p. 3 c.f. ibid
'D' on p. 3 c.f. ibid
'F' on p. 23 c.f. ibid
'G' on p. 24 c.f. ibid
H.7 on p. 9-20 c.f.
× Alipuram Jail C.J. Collage W.S.J. Bella
M
ack

2. The following statement shows the contract rate, the market rate at the time of auction and the market rate at the time of supply:-

Contract Rate.	Market rate at the time of auction.	Market rate at the time of supply.
Re.1/- per 2 lbs.	Re.1-2-0 per 2 lbs.	January to 14.3.47. 1-2-0 per 2 lbs.
		From 15.3.47. 1-8-0 per 2 lbs.

item 4, b2 — item 1, b2 5 c.f. — B item 2, p25 c.f. item 3, p26 c.f.

The contractor says that he undertook to supply meat at a lower rate than the market rate at the time of auction because he purchases sheep and goat in bulk and that therefore he has an advantage over other retailers. In G.O.No. 2332, Home, dated 13.6.47, the Govt.

'B' on p. 1 c.f. ibid

(e)

approved the proposal of the I.G. of Prisons to adopt the following procedure after duly informing the defaulting contractors in jails and the Borstal School, Palamcottah in the year 1947-8, by registered post acknowledgment due and after giving them 15 days time:

(i) the earnest money of the contractors should be confiscated;

(ii) contract should be cancelled;

(iii) payment should be made for the small supplies, if any made by them at the contract rate and not at the market rate;

(iv) a reauction should be held for the same article and

(v) the defaulting contractor should not be allowed to take part in the reauction.

With ref. to this G.O. the I.G. of Prisons has cancelled the contract taken up by D. Abdul Hameed Sahib in respect of the three jails in Bellary and has asked for orders on the question of the revision of rates. Under the G.O. referred to above, payment should be made for the small supplies, if any made by the contractors at the contract rate and not at the market rate. The petitioner's request to pay him for the supplies already made at the controlled rate is therefore inadmissble. For orders whether the petitioner's request may be negatived. If it is to be considered favourably, Finance should see.

The contractor undertook in January 47 to supply meat to the jails in Bellary at the rate of Re.1/- for 2 lbs. when the market rate was Rs.1-2-0 for 2 lbs. The Collector of Bellary controlled the price of mutton and fixed it at Rs.1-8-0 for 2 lbs. from 15.3.47, but removed the control on the price by the end of that month. The petitioner says that the action of the Collector in having controlled the price for a short period in March 1947 tended to keep the price up even after the control was removed. The contractor's contract was cancelled by the end of July 1947 and during the period between 15th March 1947 to the end of July 1947, the market price of mutton remained at Rs.1-8-0 per 2 lbs.

[C2-43671/47]

2. It is obvious that the contractor stood to lose by supplying mutton at the contract rate for about four months from March 1947. The contract rate was no doubt below the market rate at the time of the auction. But after March, the situation became ~~normal~~ abnormal and it is quite reasonable that the contractor should be given some relief on account of the sudden rise in the market rate during March to July 1947. This dept. may therefore suggest that for the supplies made by the contractor during the period ~~then~~ from 15.3.1947 to the end of July 1947 payment may be made ~~at~~ say @ at the rate of Rs.1-4-0 for 2 lbs. There has not been a similar case before.

3. Finance may see for remarks before orders are taken in circulation.

F

A

B

(K) Honorarium / Prof. differential / Market-rate - Rs 1-8-0 for 2 lbs / Contract-rate Re 1-0-0

8/9

If A were accepted what would be the total additional cost to Govt?

CF 3.9.

Secretary's query above.
The information has to be obtained from the D. G.
Draft memo submitted.

4.9.47

Issued Memo No. 43671 C/47-3 dated 4.9.47
From the I. G of Prisons, No. R.O.C. 46-Ag-47 dated 22.9.47.

Please see the orders of the Secretary above, the memo to the I. G at p 31 CF and the reply at p 33 CF. The extra cost to Govt involved in paying the contractor at the rate of Rs 1.4.0 per 2 lbs instead of at the contract rate of Re 1 - per 2 lbs, as proposed at 'A' above is reported by the I. G to be Rs. Rs 991-9-6. The amount includes the cost of supply of mutton to the Junior Certified School at Bellary also. As the question of payment of compensation in respect of the supplies made to the Junior Certified School has been taken up separately with the Chief Inspector of Certified Schools, it does not seem necessary to consider it in this file. Deducting therefore the cost of supply of mutton to the Junior Certified School at Bellary from

for

(L 0468 N/47)

[C₂-43671]

the total cost reported by the I.G, the amount payable for the supplies made to the institutions comes to Rs 359.3.11

2/ The I.G has reported the cost for the period from 1.4.47 to 31.7.47 instead of from 15.3.47 to 31.7.47 as required in the memo at p31 CF. This is apparently because the actual contract period for 1947-8 commenced only from 1.4.47 and not 15.3.47.

3/ For orders whether with reference to 'A' on p4 ante this dept may recommend the payment of Rs 359.3.11 to the Contractor.

4/ The file may now be sent to Finance dept for remarks as already noted at 'B' on p4 ante.

A

7113:3:C — 15.X.47

Hb. 4.10.47 4/X/47

A above may be accepted in this dept

B

Secretary to Govt

Home no. H3671 C/47-11

7.10.47

ADDITIONAL DEPUTY SECRETARY 8-OCT 1947 6017 FINANCE DEPARTMENT

7/10 (Exp. 1)

(Please see the notes on pp. 2-3 above) In the circumstances explained by Home, the proposal at A above may be accepted.

Fin (D) 2311/47-1

12.10.47

FR 11.X.47

Fin 11.10.47

Dy S 11/10/47 Home Dept

ASSISTANT SECRETARY TO GOVERNMENT 15 OCT 1947 HOME DEPARTMENT

HOME DEPARTMENT

The file relates to the request of Mr. D.Abdul Hameed, Jail Contractor for payment of compensation for the loss sustained by him in the supply of mutton during 1947-8 to the four institutions viz., Central Jail, Bellary, Alipuram Jail, Bellary, Wellesley Sanatorium Jail, Bellary and Junior Certified School, Bellary. He undertook in January 1947 to supply mutton to these institutions at Re.1/- for 2 lbs. when the market rate was Rs.1-2-0 per 2 lbs. The Collector of Bellary controlled the price of mutton and fixed it at

'A' on p1 CF
Item (4), p2 b CF
A on p1 CF
Item 1, p2 c CF
B p2 CF

Rs.1-8-0 per 2 lbs. from 15-3-1947 but removed the control on the price by the end of that month on 1.4.47. The contractor states that the action of the Collector in having controlled the price of mutton for a short period in March 1947 tended to keep the price up at the level of Rs.1-8-0 per 2 lbs. even after the control on the article was removed by the end of the month. It is reported that the market rate continued to be at Rs 1-8-0 per 2 lbs during March-July 1947. The contractor therefore represented that he had incurred heavy loss and requested that the contract rate might be revised to Rs.1-8-0 per 2 lbs or that his contract might be cancelled, the earnest money refunded to him and the loss incurred by him during the three months may be paid to him.

2. As the contractor was not regular in his supplies on account of the difficulty represented above, the I.G. has already cancelled the contract with reference to G.O.No.2332, Home, dated 13-6-1947. It is reported that the contractor has not furnished any security deposit. The question of refunding the security deposit does not arise. The question for consideration is whether he should be paid any compensation for the loss sustained by him in the supply made during the period from 1-4-1947 to end of July 1947 when his contract was cancelled.

3. This department considered that it was obvious that the contractor stood to loose by supplying mutton for the four months from the end of March 1947, as after the end of March 1947 the situation became abnormal, that it seemed quite reasonable that the contractor should be given some relief on account of the sudden rise in the market rate during March to July 1947. This department therefore suggested that for the supplies made by the contractor during the period from 15-3-47 to 31-7-1947, payment may be made at the rate of Rs.1-4-0 per 2 lbs. instead of at the contract rate of Rs.1-0-0 per 2 lbs (allowing ½ of the difference between the contract rate and the market rate). The extra cost to Govt. involved in paying the contractor at the rate of Rs.1-4-0 per 2 lbs. instead of at the contract rate of Re.1/- per 2 lbs. is reported by the I.G. to be Rs.991-9-6 in respect of the four institutions viz. Central Jail Bellary, Alipuram Jail Bellary, Wellesley Sanatorium Jail Bellary, and Junior Certified School

Bellary. (As Junior Certified School Bellary is under the control of the Chief Inspector of the Certified Schools , the question of paying compensation to the contractor in respect of supplies made to the school is separately under consideration and no action is necessary in this file.) The amount that will be payable to the contractor in respect of the other three institutions is Rs.359-3-11 (or Rs 359-4-0 bills maintenance) Finance have agreed to this department's recommendation for the payment of this sum to the contractor. A draft order is submitted for approval.

ADDITIONAL ASSISTANT SECRETARY 25 NOV 1947 HOME DEPARTMENT

HOME DEPARTMENT NOV GOVT. OF MADRAS

(Issued G.O. Ms. 4336 Home dated 26.11.47)